

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LISA BARBOUNIS,

Plaintiff,

v.

THE MIDDLE EAST FORUM, et al.,

Defendants.

Case No. 2:19-cv-05030-JDW

ORDER

AND NOW, this 1st day of October, 2020, upon review of Plaintiff's Answer and Affirmative Defenses to Counterclaim (ECF No. 57), the Court notes as follows:

1. Federal Rule of Civil Procedure 11(b) requires counsel to have a good faith belief for any assertion of fact or legal contention in any submission to the Court;
2. This rule applies to the assertion of affirmative defenses (*see Ruth v. Unifund CCR Partners*, 604 F.3d 908, 911 (6th Cir. 2010)), meaning that parties may not assert affirmative defenses just to preserve them; and
3. Plaintiff Lisa Barbounis has asserted 35 affirmative defenses, many of which appear to lack a basis, including but not limited to *res judicata*, release, conduct in accord with various agreements and statutes (*e.g.*, the Computer Fraud and Abuse Act, the Pennsylvania Uniform Trade Secrets Act, and the Defend Trade Secrets Act), qualified immunity, sovereign immunity, waiver, estoppel, and lack of consideration.

Therefore, it is **ORDERED** that, on or before October 8, 2020, Plaintiff shall either (a) file an Amended Answer to the counterclaims in this case, asserting only affirmative defenses that she has a good faith basis to assert, or (b) show cause, in a Memorandum not to exceed 10 pages, why

the Court should not strike all of the affirmative defenses in her Answer and Affirmative Defenses to Counterclaim, pursuant to Fed. R. Civ. P. 11(c)(3).

BY THE COURT:

/s/ Joshua D. Wolson
JOSHUA D. WOLSON, J.